

REMARKS

A Petition for Extension of Time is being concurrently filed with this Response. Thus, this Response is being timely filed.

Applicants respectfully request the Examiner to reconsider the present application in view of the following remarks.

Status of the Claims

Claims 1-18 are pending in the present application. No claims are being amended, added or canceled in this Response. Thus, a listing of the claims is not needed.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw the objection and both rejections and allow the currently pending claims.

Objection to Specification

The Examiner has objected to the specification, indicating that the claim for priority to Applic. No. 09/953,958 and the Japanese Patent Applic. No. 2002-351466 constitutes "new matter". Applicants respectfully traverse.

Applicants respectfully refer the Examiner to the claim for priority to Tsukada *et al.* '220 (which is Application Serial No. 09/953,958) and the **renewed** Petition under 37 C.F.R. § 1.78(a)(3) that was previously filed on April 7, 2008. It is believed that the defects of the first Petition have been resolved. Also, the Petitions branch at the USPTO indicated that a decision on the renewed Petition will be issuing soon.

Applicants believe that the renewed petition will be favorably granted, and therefore there is no new matter present in the specification. Also, with regard to JP 2002-351466, Applicants note that page 1, first paragraph of the originally filed specification properly claims priority to this foreign application. Finally, Applicants respectfully request that the Examiner wait until a Decision on the renewed Petition has been made before issuing another correspondence to Applicants (e.g., an Office Action).

Issues Under 35 U.S.C. § 102(b)/§ 103(a)

Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tsukada *et al.* (U.S. Publication No. 2002/0058220 A1; hereinafter “Tsukada *et al.* ‘220”) (see paragraphs 2-4 of the outstanding Final Office Action). Applicants respectfully traverse.

Again, Applicants respectfully refer the Examiner to the claim for priority to Tsukada *et al.* ‘220 (which is Application Serial No. 09/953,958) and the renewed Petition under 37 C.F.R. § 1.78(a)(3) that was previously filed on April 7, 2008. Applicants believe that the renewed petition will be favorably granted and thus these rejections have been overcome. Specifically, with the present application having the benefit of priority to Tsukada *et al.* ‘220, Tsukada *et al.* ‘220 is not prior art against the present application.

Reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion


A full and complete response has been made to all issues as cited in the outstanding Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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